IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6076 OF 2004 .

Smt.Sharda Nathrao Khadtare. ... Petitioner.

V/s.

The Education Officer (Primary)
and others. ... Respondents.

S.G.Kudle for the petitioner.

Mr.Jamdar for respondent Nos.1 and 2.

CORAM : **S.B. MHASE AND**
R.S. MOHITE, JJ.

DATED : **25th October 2004.**

P.C. :

. Heard Mr.Kudle for the petitioner and Mr.Jamdar for respondent Nos.1 and 2. Respondent Nos.3 and 4 though served are absent.

2. We find that this writ petition can be disposed of with direction to the management to supply information as claimed by the Education Officer by letter dated 26th August, 2003. We, accordingly, dispose of this petition finally.

3. The petitioner is a primary teacher employed by respondent No.3 in respondent No.4 - school. Petitioner was appointed on 1st June, 1991. At that time she was having qualification

of S.C.C. Admittedly, this was not the qualification required for the post of teacher, as such she was untrained teacher. However, while she was in service she completed postal D.Ed course on 4th July, 2003 and, thus, now the petitioner is a trained teacher. Learned counsel for the petitioner makes a statement that as on today petitioner is serving with the respondent management, however, approval to her service has not been granted by respondent No.1 and the said issue is pending since 26th August, 2003. Learned counsel for the petitioner further submits that proposal for approval was submitted by respondent Nos.3 and 4 to respondent No.1 on 3rd July, 2003 vide letter bearing No.333/2003. However, in-spite of submission of the said proposal for approval, it was not granted by respondent No.1 and by letter dated 26th August, 2003 he called upon respondent Nos.3 and 4 to submit certain documents, namely, copy of the resolution passed by the management along with proposal, order of appointment issued by the management, etc. It was also informed that the charge in respect of the teachers is incomplete. Further grievance of respondent No.1 is that information in respect of date of birth, date of appointment, educational qualification etc. is not provided.

4. Even though this letter is dated 26th August, 2003, since respondent Nos.3 and 4 are absent, we are unable to get any information as to whether this letter has been complied with or not and as to what happened thereafter. Learned counsel for the petitioner submits that as on today the proposal for approval has not been rejected by respondent No.1 and the petitioner is serving with the respondent school. Therefore, we find it appropriate to direct respondent Nos.3 and 4 to submit the information which has been called for by respondent No.1 vide letter dated 26th August, 2003 within a period of three weeks and thereafter within a period of three weeks respondent No.1 shall dispose of the matter on its own merits. In view of the above, we pass the following order:

O R D E R

. Petition is partly allowed.

. Respondent Nos.3 and 4 are hereby directed to submit the information which has been called for by respondent No.1 vide letter bearing No.ZPSO/Edu./PPS/681 dated 26th August, 2003. This information shall be submitted by the management within a period of three weeks from the receipt of the order of this Court. Respondent

No.1 shall, thereafter, within a period of three weeks decide the proposal for approval of the petitioner as primary teacher on its own merits and shall communicate the decision to the petitioner as well as the management. For deciding this matter on its own merits, if respondent No.1 requires certain documents then he shall take inspection within the aforesaid period by visiting the school and dispose of the matter.

. Copy of this order shall be served by the petitioner on the management and for that purpose Registrar (Judl.) is hereby directed to give hamdast to the petitioner.

(R.S.MOHITE, J.) **(S.B.MHASE, J.)**